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LETTERS TO THE EDITOR

U.S. Renditions of Terrorists Are Legal, Vital

Council of Europe Secretary General Terry Davis's June 27 editorial-page commentary "Unlawful Rendition" suggests that renditions of terrorist suspects conducted by the U.S. are fundamentally different from the 1994 "capture" in Sudan by French authorities of Ilich Ramirez Sanchez, also known as "Carlos the Jackal," which subsequently was upheld by the European Commission on Human Rights. The U.S. government is well aware that Carlos was rendered in order to face criminal prosecution in France. The U.S. itself has rendered a number of suspected terrorists to stand trial in the U.S., including Ramzi Yousef, who helped plan the first attack on the World Trade Center, and Mir Aimal Kansi, who gunned down several officials in front of CIA headquarters in Langley, Va.

But renditions of suspects to stand trial are not the only situations in which renditions are appropriate. Renditions are an important way to transfer terrorist suspects to their home countries, or to countries where they can be questioned, held or brought to justice for their suspected terrorist acts or other crimes. Sometimes such transfers cannot be done through extraditions or other "standard" processes, either because an extradition treaty is not in place or because the formal extradition process is not feasible in a particular case.

The Council of Europe's Venice Commission, which Swiss Senator Dick Marty's recent report cites as the "European point of view," asserts that there are only four legal ways to transfer a prisoner to foreign authorities: deportation, extradition, transit, and transfer of a sentenced person to serve that sentence in his country of origin. Thus, under the Venice guidelines, even the French rendition of Carlos would have been improper.

We disagree with the Venice Commission's conclusion. As the European Commission on Human Rights found, renditions are not per se unlawful, though important principles must be protected. Renditions should not be used to transfer terrorist suspects to face torture, and the U.S. does not transport anyone, and will not transport anyone, for this purpose. We believe, however, that the international community must continue to be able to use renditions not only to bring terrorists to justice but also to prevent terrorist suspects from remaining at large to plan future attacks.

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